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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------|---------------------|------------------|
| 10/518,809 | 10/18/2005 | Andrew Richard Southern | 62780.000004 | 2932 |
| 21967 | 7590 | 01/04/2007 | EXAMINER | |
| HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109 | | | SANDY, ROBERT JOHN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3677 | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE | | |
| 3 MONTHS | 01/04/2007 | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|------------------------|--------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/518,809 | SOUTHERN, ANDREW RICHARD |
| | Examiner | Art Unit |
| | Robert J. Sandy | 3677 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 December 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: In claim 1, line 8, a semicolon (;) should be placed after the term “direction” (in section “c”) of the body of the claim). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Eaton et al. (U. S. Patent No. 6,826,806). Eaton et al. ('806) discloses a clasp (see Figs. 4-6 and 8-12) 28, 70) that comprises a first part (28, 70) and a second part (28, 70) that can be joined together to fasten the clasp and that can be separated from each other to release the clasp, wherein the first and the second parts are identical to each other, and each of the first and second parts includes:

a resilient latch 54, 76) with an outwardly facing barb (56, 76);

a channel (opening 78, defined between inner sides 40) for receiving the barb of the other part;

a catch (58) located in the channel for engagement with the barb of the other part when the two parts are pushed together in an axial direction;

a housing (defined by extending surface 88, Fig. 8, containing opening 78) containing the channel and extending transversely over the width of the part, the housing having an interface surface (interface surface defined by a diagonal end surface from which projection 76 project from, as shown in Fig. 12) extending between the latch and the catch and abutting the corresponding interface surface of the other part when the clasp is fastened (as shown in Fig. 11), the interface surface extending diagonally with respect to the axial direction such that the interface surface in the region of the catch is located axially behind the interface surface in the region of the barb; wherein the arrangement of the barb and the catch of each part is such that the barb of each part engages the catch of the other part as the two parts are pushed together to keep the parts together and the latches of the two parts can be moved to release each barb from the catch of the other part and wherein the interface surfaces are arranged to slide over each other to separate the two parts when the barbs are released from the catches;

(concerning claim 2) on each part, the barb and the catch are arranged such that the catch is located axially behind the barb; and

(concerning claim 3) the latch and the catch are located on opposite sides of each part.

Claim Rejections - 35 USC §102/§ 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Eaton et al. ('806). Eaton et al. ('806) further discloses the claimed clasp wherein the latch forms a wall (as shown in Fig. 6) of the housing of each of the

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parts. However, Eaton et al. ('806) does not explicitly describe wherein the latch is moveable with respect to the rest of the housing to release the barb from the catch and open the clasp.

In view of Eaton et al. ('806) further describing in col. 3, lines 59-60, that the clip 28 is "preferably made from a plastic material...", and in col. 4, the paragraph presented in lines 19-34, further describes the purposes of projection 54 and protuberance 56 of one clip 28 in cooperation with the aperture 58 of the other clip 28, such that, "the projection 54 and accompanying protuberance 56 of one clip 28 is insertable into the opening 59 in the adjoining clip 28 with the protuberance 56 seating into the aperture 58 of the adjoining clip 28. This arrangement allows two identical clips 28 to snap together and form a releasable pair of clips", it would have been obvious to one of ordinary skill in the art at the time the invention was made to have recognized from the above description for the latch of the clasp of Eaton et al. ('806) to possess the characteristics of being movable with respect to the rest of the housing to release the barb from the catch and open the clasp.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ROBERT J. SANDY
PRIMARY EXAMINEP

Robert J. Sandy
Primary Examiner
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